

CITY OF MIAMI BEACH  
Office of the City Manager  
Letter to Commission No. 146-2005



To: Mayor David Dermer and  
Members of the City Commission

Date: June 3, 2005

From: Jorge M. Gonzalez  
City Manager

Subject: SUNSET HARBOUR CONDOMINIUM BUILDING (NORTH TOWER)

As you may be aware, on May 19, 2005, representatives of the developer of the above referenced building, Pacific International, Ltd., appeared before the Miami-Dade County Board of Rules and Appeals (BORA) and requested approval of another extension of the Temporary Certificate of Occupancy (TCO) for a period of ninety (90) days. The board after hearing testimonies from developer's representative, the Condominium Association representatives and the City of Miami Beach Building Official, granted only a 30-day extension of the TCO and conditioned the possibility of any further extension approval of the TCO upon recertification of the building's life safety system and substantial completion of outstanding repairs needed in the building.

The City of Miami Beach Building Official had recommended approval of a (90) day extension to the TCO, and during the hearing recommended the approval of the extension and voiced his concerns regarding the implications of a TCO extension denial by the board which include immediate closing and evacuation of the Building. However, the Condominium Association representatives present at the meeting were recommending a denial or a shorter-period extension of the TCO. Attached please find a copy of the relevant pages of the transcript of the BORA's meeting on May 19, 2005.

The next BORA meeting is scheduled on June 16, 2005, and if the life safety systems of the building is not recertified by that date or substantial completion of repairs required are not accomplished, BORA may deny any further extension of TCO, as may be requested by the Condominium Association's representatives, and upon denial of TCO extension, the Building Official will have no other choice but to close and evacuate the building.

If you have any questions, please let me know.

JMG:TH:HD

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1 ALL BOARD MEMBERS: Aye.  
 2 CHAIRMAN HORTON: All opposed? Motion carries.  
 3 Mr. Fine, we have two more for Sunset Harbor.  
 4 → MR. FINE: Good afternoon, Robert Fine, 1221  
 5 Brickell Avenue, representing Pacific International, the  
 6 developers of Sunset Harbor.

7 First, I'd like to ask to consolidate numbers  
 8 two and three of the agenda. They're really regarding  
 9 the same building. There just happens to be two permits.

10 CHAIRMAN HORTON: Aren't they different floors?  
 11 Different area? Why is it two permits?

12 MR. FINE: We're not really sure, but they  
 13 worked through the buildings. They've been consistently  
 14 all along with these same two permits as we've been  
 15 renewing them. They used to come in as single  
 16 applications. The policy of the Board changed, so  
 17 there's more than one permit, do it as separate  
 18 applications. They come in that way, but they used to  
 19 come in as one application in the past.

20 We're here today to request a 90-day extension  
 21 of the temporary certificate of occupancy. This is a  
 22 building you all know, I dare say love.

23 I do have some bad news for you. All these  
 24 balcony issues you've seen going on for years and years,  
 25 the balconies I'm informed are now complete. There's

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1 some other issues to wrap up in the building and we have  
 2 a couple of issues we'd like to talk to the Board about  
 3 for discussion after we're done with the TCO and get a  
 4 little bit of advice from the Board to resolve on a  
 5 couple of things, but for the moment, we are here  
 6 requesting this extension of the TCO:

7 CHAIRMAN HORTON: Your TCO is expired as of the  
 8 17th, correct?

9 MR. FINE: I believe so. I know there's people  
 10 here to speak from the association. Afterward, I'd like  
 11 a couple of moments to respond to that and then bring up  
 12 these other issues that we think will help us move along  
 13 the line in wrapping up this building.

14 CHAIRMAN HORTON: All those who are going to  
 15 speak -- well, you don't need to be sworn in. Let's hear  
 16 those tenants that have something to say.

17 MR. LINDEN: Neil Linden with Adorno & Yoss.  
 18 I'm the attorney for the association. I was here three  
 19 months ago, as you all may recall. We made a fairly  
 20 lengthy, fairly loud presentation, I'll say. We had all  
 21 hoped that we wouldn't be back here asking -- or with the  
 22 developer seeking to get another extension of the TCO. I  
 23 think we're now in the 20-something extension.

24 As far as I know, the balcony work is not all  
 25 complete. Whether it is or it's not, there's been no

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1 call for final inspections and that's really where the  
 2 association is having trouble with another 90 days.

3 I had offered, to avoid this, suggest a  
 4 compromise and that is -- and I'd like this Board to  
 5 consider that, grant them 30 days, put it on the next  
 6 agenda, let them come back and explain why, if they  
 7 haven't, they haven't called for final inspections.

8 Association even tried on its own. We  
 9 contacted the building official for the City of Miami  
 10 Beach. Of course, we were told association can't call  
 11 for inspections, only the permit holder can. This Board  
 12 told us last month, you can't order the permit holder to  
 13 call for final inspections. You can't order the building  
 14 official to conduct final inspections. We can't ask for  
 15 them. If this isn't catch 22, there is no catch 22.

16 And so I recognize and don't have authority to  
 17 say to you on behalf of the association's board of  
 18 directors or its unit owners that we want you to put them  
 19 out on the street. And I understand that would be the  
 20 domino effect that we discussed last time, if in reality  
 21 that were to occur.

22 Since there are no life safety issues involving  
 23 this building, at least according to Mr. Azan when he was  
 24 still the building official, I think we all predicted he  
 25 would be retired before this problem got resolved and

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1 that, in fact, has occurred.

2 And so what I would like to suggest to you is  
 3 just give them 30 days, hold their feet to the fire.  
 4 They did work hard after the last go-around. They slowed  
 5 down at the end again and now they want another 90 days.  
 6 I rather be back here in 30 finding out why they need  
 7 additional time rather than giving him 90 and then having  
 8 the discussion about additional time.

9 CHAIRMAN HORTON: Thank you.

10 BOARD MEMBER KURZMAN: Could I get the building  
 11 inspector?

12 CHAIRMAN HORTON: Is there anybody else that  
 13 wants to speak on behalf of the association.

14 MR. LINDEN: Yes, one of the board members want  
 15 to address the board.

16 MS. BENEZERA: I want to add one thing. I  
 17 wasn't able to be here at the last meeting. My name is  
 18 Cybill Benezera. I'm a director, an owner. I've been an  
 19 owner since 1997. And I just find it totally  
 20 preposterous and inherently wrong that a developer has  
 21 been allowed to go eight-and-a-half years without getting  
 22 a CO, without even calling for a final inspection. I  
 23 mean, something is just not adding up.

24 Regardless of all the other issues that have  
 25 come into play, the balconies, this wasn't complete, that

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1 inspection. There's something in the overall picture  
2 that's really wrong. And the gentleman has not even been  
3 fined.

4 I know if I had a violation against my property  
5 for garbage in 30 days, if I didn't clear it, 500 bucks a  
6 day. How come this man hasn't had any fines, hasn't had  
7 any reason, really, to move forward? And what's more,  
8 what's even more ironic, the same developer is out there  
9 building plenty of more buildings and probably leaving  
10 those in the same state that ours is in. If you all can  
11 answer that question for me, I would really be grateful.  
12 Thank you.

13 CHAIRMAN HORTON: Thank you.

14 BOARD MEMBER SALVADOR: I'll answer that for  
15 you. I mean, we can't do anything, really. We have  
16 hearings against state license contractors and they come  
17 before this Board and the only thing we can do is take  
18 his license away. If a contractor is working -- we can't  
19 even do that, because he really hasn't done anything  
20 wrong.

21 MS. BENEZERA: It's not wrong, then, that  
22 eight-and-a-half years go by without --

23 BOARD MEMBER SALVADOR: It is wrong.

24 MS. BENEZERA: Okay, I know one of the issues  
25 is, is it life threatening, okay? And can I say it's

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1 life threatening? I don't think so. Not today. But by  
2 the same token, there could be some life threatening  
3 issues there. And it could not only be affecting our 250  
4 residents or 240, but it could be affecting now the new  
5 properties, the new properties that this man has been  
6 allowed to develop.

7 BOARD MEMBER KURZMAN: Well, ma'am, the new  
8 properties are not even an issue, with all due respect,  
9 but let me answer you this way so perhaps you feel a  
10 little better and you can appreciate our frustration.

11 I think we, in this room, would be bombarded  
12 with all of your neighbors, with all of the residents if,  
13 in fact, we said no more extensions, that's it, you're  
14 done, finish up your building, come back, apply for a  
15 final CO and at that time the inspector makes his final  
16 inspection, you're going to get it.

17 In the interim, in the interim, everyone is  
18 moved out of the building, the power is turned off to the  
19 building and you have to vacate. Wow, what a situation.  
20 Always be careful what you wish for.

21 MS. BENEZERA: Because you might get it.

22 BOARD MEMBER KURZMAN: Because you might just  
23 get it.

24 MS. BENEZERA: But you know something, I  
25 really -- I know I have no authority to ask for that, but

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1 honestly, personally, I really wish it would happen,  
2 because we'd have 240 residents out in the street, we'd  
3 have all kinds of publicity, we'd have this developer's  
4 name all over the media and people would know not to buy  
5 in his projects, at least.

6 BOARD MEMBER KURZMAN: And who pays for the new  
7 apartment that you have to rent while you're still paying  
8 the bank on your mortgages, on your payments, on your  
9 insurance, the whole nine yards? And it's a double  
10 whamee. And who in the end, bottom line, is suffering?  
11 You and the residents, not the developer.

12 MS. BENEZERA: I don't think -- with all due  
13 respect, sir, I really don't think it would take more  
14 than 24 hours, 48 hours for the developer to get off his  
15 tail and start doing something and at least ask for a CO,  
16 okay? At least ask for a CO inspection.

17 BOARD MEMBER KURZMAN: I would like to end the  
18 discussion, because this could go on all afternoon.

19 MS. BENEZERA: I know, I know.

20 MR. SEMAJA: I'm a developer. I work for a  
21 developer. When she's done, may I?

22 CHAIRMAN HORTON: There's procedures that are  
23 followed within the guidelines that the county has set  
24 up. You may think they're wrong, but that's what they  
25 are. That's what this Board goes by. So, unfortunately,

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1 that's the way it is.

2 MS. BENEZERA: I understand, but one other  
3 thing, as Mr. Linden said, it's a catch 22, we can't ask  
4 for it, he doesn't have to ask for it, therefore, the  
5 building never has to have a CO.

6 BOARD MEMBER KURZMAN: No, not true.

7 CHAIRMAN HORTON: That's not true.

8 MS. BENEZERA: Oh, okay, when does it have to  
9 have a CO?

10 CHAIRMAN HORTON: When all the work is complete.

11 BOARD MEMBER KURZMAN: That's why I want to hear  
12 from the inspector and I'm sure he's going to tell us how  
13 the work is progressing, that in his professional opinion  
14 where we're at and when it should be completed.

15 MS. BENEZERA: Sounds good. Thank you.

16 MR. DOLIKHANI: As you all know, I've been the  
17 building official for 45 days, so I didn't create Sunset  
18 Harbor for you, nor for this lady here.

19 CHAIRMAN HORTON: State your name for us.

20 MR. DOLIKHANI: Hamid Dolikhani, Building  
21 Official, City of Miami Beach.

22 As far as the repair work goes, they have  
23 completed -- I checked one hour before coming here, they  
24 have completed the balcony work and we have signed off on  
25 the balcony work except one unit and that one unit, the

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1 unit owner, had installed marble with thick mud  
2 underneath it, reducing the height of the railing. We  
3 have an issue there. We're issuing a Notice of Violation  
4 to that unit owner.

5 There are other minor work. There are stucco  
6 work, delaminating stucco throughout the building, that  
7 has to be done.

8 There are safeguards in the parking garage. The  
9 railing, they have been rusted, they have to be repaired.

10 There are spalling concrete, different part of  
11 the building that have to be repaired.

12 And after all those repairs are done, being the  
13 age of the building, that it's eight, nine years old in  
14 use, life safety system needs to be recertified. Fire  
15 alarm system needs to be recertified before we can sign  
16 off on a final CO.

17 BOARD MEMBER SALVADOR: And you would allow them  
18 to do that, right? You would grant them a permit or  
19 whatever they need?

20 MR. DOLIKHANI: They have to recertify those  
21 systems before we can sign off on a final CO.

22 BOARD MEMBER SALVADOR: All right, Mr. Chairman,  
23 I think if Virgil was here, I would make a motion to deny  
24 and he would second it.

25 BOARD MEMBER GOMEZ: I'll second.

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1 person answer.

2 MR. FINE: Robert Fine again.

3 We want this building over with. We're tired of  
4 being here also, but we have a couple of problems.

5 Problem Number 1 is that Mr. Dolikhani has been  
6 the building official for 45 days, but about 60 days ago  
7 Mr. Azan was at a meeting with myself and one of my  
8 partners and he said we need you to come out and give us  
9 a list, a comprehensive list, with all your inspections  
10 for final CO and he said I'll have my people out there  
11 within a week, week-and-a-half. We have not gotten this  
12 list. We do not have, from the Building Department, that  
13 list. They have not done the pre-seal inspections. And,  
14 why, I don't know. If we had it, we'd be real happy to  
15 start working on that list and start checking them off.  
16 And so that's Number 1.

17 Another issue is, one of the issues that we have  
18 going on there, is that there's this railings around the  
19 edge of the pool and it needs repair. Because of the  
20 time period, we have submitted for permits and the city  
21 won't give us permits to fix that, because they say we  
22 have open permits. Well, of course, we have open  
23 permits. We have a TCO, we're not CO'd, but to the  
24 extent we can't get these permits, they're ready to do  
25 the work and they can't get it done.

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1 CHAIRMAN HORTON: You're making a motion to  
2 deny?

3 BOARD MEMBER SALVADOR: I'll make a motion to  
4 deny.

5 BOARD MEMBER BARNES: I'll second.

6 CHAIRMAN HORTON: Now for discussion.

7 MR. DOLIKHANI: I would -- as a building  
8 official, I would not suggest that, because, again --

9 BOARD MEMBER SALVADOR: We're trying to put a  
10 little fire on somebody, you know.

11 MR. DOLIKHANI: Putting 200 people out on the  
12 street is not --

13 BOARD MEMBER SALVADOR: Well, I mean, they moved  
14 from the last three months, didn't they? We made it  
15 clear that we need to get this done.

16 CHAIRMAN HORTON: Still, one at a time.  
17 Mr. Derrer has a question.

18 BOARD MEMBER DERRER: I have a question. Last  
19 time you came, I think we said don't come back, but  
20 you're here. Can this work be done in 30 days in  
21 anybody's opinion?

22 MR. SEMAJA: No, sir.

23 MR. DOLIKHANI: Some representative is here from  
24 the developer.

25 CHAIRMAN HORTON: The question was asked. One

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1 So we need some help, whether it's a little push  
2 from you, a suggestion, another meeting from the Building  
3 Department, we need to get a way to get out full CO list  
4 to do that and we need the permits for this remedial work  
5 that needs to be done to be issued. They're ready to go.  
6 They're ready to get it done.

7 And, in fact, you know, my entire preface of  
8 this meeting was, you know, can you ask the Board to find  
9 a way to help to give the building official a little bit  
10 of push, he's brand new, he's taking over a huge job and  
11 I understand that. And Phil -- I don't know if Hamid was  
12 in the meeting with Phil when it happened, but to the  
13 extent there's a way we can cut through this, get those  
14 pre-seal inspections done so we actually have the finite  
15 list, that would be very helpful.

16 The other thing is, we have a problem in that  
17 after TCO was issued and after the building was turned  
18 over without the consent of the general contractor, the  
19 association, through their own people, had people come  
20 and apply for permits to make modifications to the  
21 building's life safety system, not just working in  
22 somebody's unit tying in, but in the main building.

23 Now, the Building Department says to us, we want  
24 you guys, general contractors, to recertify it. Well,  
25 they did not with our consent. These people did it. We

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1 think the city should be estopped from having us  
2 recertify. The new people should recertify the system.  
3 They have changed the system that we designed, we  
4 engineered, we put in the building. At the extent  
5 without our consent was allowed to change the system,  
6 that should not be our obligation to do that.

7 It wasn't really the subject of an appeal today,  
8 it might be a month from now, but those are really the  
9 big concerns we have. We want out of this building.

10 BOARD MEMBER SALVADOR: Mr. Fine, you know how  
11 long this has been going on? For one, they're shaking  
12 their head no. They'll give you the permit, right?

13 MR. DOLIKHANI: This is news to me, what he says  
14 that the permits are being held.

15 BOARD MEMBER SALVADOR: And second --

16 MR. DOLIKHANI: Secondly, I have Mr. Semaja, Joe  
17 here. From the first time I become building official, I  
18 met with him once. I think last week and he has brought  
19 to his attention what are the outstanding issues. If he  
20 wants it in writing, we'd be glad to provide it in  
21 writing and you can be copied on what are the outstanding  
22 issues.

23 MR. SEMAJA: Let's get them correct.

24 CHAIRMAN HORTON: State your name, for the  
25 record.

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1 MR. SEMAJA: We can bring that up -- if you have  
2 to bring it up at a later date, that's cool, but we have  
3 the railings. You mentioned the rails on the --

4 MR. DOLIKHANI: Stucco issues delaminating, the  
5 stairs.

6 MR. SEMAJA: Now the pool deck, the pool deck  
7 railings, you know that we went down looking for a permit  
8 the other day. You know we were pushed out on that.

9 MR. DOLIKHANI: You know, even the pool deck, if  
10 you really want to, you can separate the pool deck issue  
11 from CO the final building.

12 CHAIRMAN HORTON: Can we stop here, gentlemen,  
13 because there is no point in doing the dirty laundry  
14 here.

15 MR. SEMAJA: We're not doing that, I'm sorry.

16 CHAIRMAN HORTON: What we need to do is for you  
17 to sit down with the building official, come up with a  
18 list. You're agreeable to that; is that correct?

19 MS. MONTOYA-HASAN: Well, we have. In fact, I  
20 was going to correct my colleague, who wasn't there, but  
21 I was present at a meeting about a week ago where we went  
22 over all the issues that were still pending, that needed  
23 to be addressed and finalized, including the life safety  
24 systems to obtain the CO and we just did that two days  
25 ago.

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1 MR. SEMAJA: My name is Joe Semaja (phonetic).

2 Amid and I have met several times.

3 CHAIRMAN HORTON: Who do you represent?

4 MR. SEMAJA: Group Pacific.

5 CHAIRMAN HORTON: The owner?

6 MR. SEMAJA: The owner -- the developer.

7 Hamid and I met. We worked through a lot of  
8 these issues. That's why we're here to where we get so  
9 far. We have had a few stumbling blocks. One of them  
10 is, we're going to be here four more times, if we don't  
11 have a finite amount of work or what it is that we have  
12 to do. I don't think Hamid has figured out everything  
13 that they're going to want.

14 BOARD MEMBER SALVADOR: He just mentioned --

15 MR. SEMAJA: I know he mentioned, but that's the  
16 end of the issues.

17 MR. DOLIKHANI: Plus life safety system.

18 MR. SEMAJA: They'll be no other new stuff.

19 MR. DOLIKHANI: Although you have a right,  
20 you're saying it's not -- I hear Mr. Fine, the building  
21 is under TCO. I am obligated, when I'm signing off from  
22 CO, the life safety system needs to be certified. Whose  
23 fault it, whose costs, that's between you and the  
24 association. As a building official, if the life safety  
25 system is not certified, we will not give you a final CO.

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1 MR. SEMAJA: But that's all I'm trying to  
2 understand, though? I do those four items, five items  
3 and it's a CO automatically? It's not something else.  
4 That's what I want to know.

5 BOARD MEMBER SALVADOR: Mr. Fine, as far as the  
6 electrical alarm or whatever is concerned, you haven't CO  
7 on the building, the contractor is still responsible.

8 MR. FINE: But they allowed another contractor  
9 to modify the system.

10 BOARD MEMBER SALVADOR: You should have finished  
11 the building two years go, eight years ago. Period. Get  
12 it done.

13 BOARD MEMBER DIAZ: I have an amendment to your  
14 motion.

15 BOARD MEMBER SALVADOR: I don't accept any  
16 amendments.

17 CHAIRMAN HORTON: Mr. Diaz is going to speak,  
18 then we'll be done.

19 BOARD MEMBER DIAZ: My suggestion to your motion  
20 will be -- because the closing of the building, it goes  
21 to unsafe structures and a lot of things going behind  
22 that. I will entertain a motion to give you -- my  
23 concern is life safety on that building. I will  
24 entertain a motion to give you 30 days. And in 30 days,  
25 I want you guys here with the fire alarm certified. I

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1 don't care if someone has worked. That's your problem as  
2 a developer. I want that fire alarm certified. I want  
3 the fire sprinkler system certified.

4 Those two issues, for me, are very serious and  
5 I'll entertain a motion giving you just 30 days to do  
6 that work.

7 BOARD MEMBER SALVADOR: I don't accept the  
8 motion.

9 CHAIRMAN HORTON: Doesn't accept it.  
10 Mr. Pierce.

11 BOARD MEMBER PIERCE: I'd like to suggest we  
12 call the question and vote on the motion that's on the  
13 floor presently.

14 CHAIRMAN HORTON: All right. There's a motion  
15 on the floor to deny the appeal to the extension -- to  
16 grant the extension for 90 days.

17 BOARD MEMBER SALVADOR: No, to deny.

18 CHAIRMAN HORTON: That's what I said, to deny  
19 it.

20 BOARD MEMBER SALVADOR: Not for 90 days, just  
21 deny it, period.

22 CHAIRMAN HORTON: Well, I said the motion was to  
23 grant 90 days, to deny -- if the appeal was to grant 90  
24 days, you're denying that appeal?

25 BOARD MEMBER SALVADOR: Right.

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1 CHAIRMAN HORTON: All in favor of that motion,  
2 say aye.

3 BOARD MEMBER DERRER: Wait, wait.

4 CHAIRMAN HORTON: Mr. Derrer.

5 BOARD MEMBER DERRER: I'm unclear as to what  
6 happens, if we deny it.

7 BOARD MEMBER KURZMAN: A new motion made.

8 BOARD MEMBER DERRER: Are we denying the motion  
9 or denying the extension?

10 BOARD MEMBER DIAZ: Denying the extension.

11 BOARD MEMBER DERRER: If we deny the extension,  
12 they have to move out.

13 BOARD MEMBER PIERCE: They'll close the building  
14 and move everybody out.

15 BOARD MEMBER DIAZ: It goes to unsafe  
16 structures.

17 CHAIRMAN HORTON: Unless another motion is made.

18 BOARD MEMBER KURZMAN: Call the question.

19 BOARD MEMBER SALVADOR: Call the question.

20 MS. MONTOYA-HASAN: The city will not suggest  
21 that.

22 MR. SEMAJA: Yeah, there is no need.

23 CHAIRMAN HORTON: All in favor of that motion,  
24 say aye.

25 BOARD MEMBERS: Aye.

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1 CHAIRMAN HORTON: All opposed, raise your hand.  
2 (Diaz, Pierce, Derrer, Gomez, Barnes).

3 BOARD MEMBER SALVADOR: I bet it had everybody's  
4 heart running.

5 I make a motion for 30 days.

6 MR. ROSNER: Sixty days.

7 BOARD MEMBER VELAZQUEZ: Mr. Chairman, I'd like  
8 to make a motion.

9 CHAIRMAN HORTON: He raised his hand first, Mr.  
10 Diaz, who's on the table first.

11 BOARD MEMBER DIAZ: I would like to make a  
12 motion --

13 BOARD MEMBER VELAZQUEZ: He's been talking all  
14 afternoon.

15 BOARD MEMBER DIAZ: I would like to make a  
16 motion to grant the extension of the TCO for 30 days.

17 BOARD MEMBER DERRER: Second.

18 BOARD MEMBER DIAZ: On that 30 days, I don't  
19 want to hear --

20 BOARD MEMBER SALVADOR: Everything, everything  
21 is done.

22 BOARD MEMBER DIAZ: I want to hear that at  
23 least the fire alarm system has been tested and  
24 recertified. If you got to work 24 hours, I don't really  
25 care, that's not my problem. My problem is the safety.

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1 CHAIRMAN HORTON: You said all that before,  
2 Rolando.

3 BOARD MEMBER DIAZ: I want the fire sprinkler  
4 recertified and I want a list -- to see a list of  
5 whatever -- from the building official and you guys,  
6 whatever has to be done on that building in the time to  
7 do that list and get it CO'd. You've got 30 days to do  
8 that. That's my motion.

9 MR. ROSNER: Second.

10 BOARD MEMBER SALVADOR: Get it all done.

11 CHAIRMAN HORTON: Motion made and seconded for  
12 30 days. Now discussion.

13 BOARD MEMBER VELAZQUEZ: Once a building is  
14 CO'd, it is required by the fire department that the  
15 sprinkler system is certified every year. It's required  
16 the fire alarm is tested and certified every year.

17 BOARD MEMBER KURZMAN: That's right.

18 BOARD MEMBER VELAZQUEZ: So I think that motion  
19 is moot. Is that the word?

20 BOARD MEMBER KURZMAN: No, he wants it now. He  
21 wants the current one.

22 BOARD MEMBER DIAZ: Arnold, if you listen to my  
23 motion, the building is on TCO now, not CO.

24 BOARD MEMBER VELAZQUEZ: Rolando, if you let me  
25 finish, please. I have let you talk all afternoon today,

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